

REMARKS

Applicant requests reconsideration and reexamination of the above-identified application in view of the election made herein and the arguments. The following remarks state Applicant's bases for making this request:

ELECTION/RESTRICTIONS

The Examiner states that restriction to one of the following inventions is required under 35 U.S.C. 121.:

- I. Claim 8 drawn to method of forming a panel, classified in class 29.
- II. Claims 1-7, and 9-14, drawn to apparatus of a panel, classified in class 52, subclass 582.1.
- III. Claims 15-22, drawn to apparatus of a frame, classified in class 52, subclass 481.2.

The Examiner further states that the inventions I, II, and III are related as process of making and product made and that the inventions are distinct if either of the following can be shown:

- (1) that the process as claimed can be used to make other and materially different product or
- (2) that the product as claimed can be made by another and materially different process.

ELECTION

Applicant confirms the oral election of the Group II invention, Claims 1-7 and 9-14 for examination, and Claims 8 and 15-22 are non-elected claims being withdrawn from consideration.

CLAIM REJECTION – 35 U.S.C. § 112

The Examiner states that 3-6, and 11-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. In Claim 1, the Applicant's claimed citation for a panel having at least one channel for receiving a flange. The flange is not positively claimed; therefore, Claims 3-6, and 11-14 are being indefinite because it is unclear the "flange" is part of the panel. Clarification is required.

Applicant has amended Claim 1 by removing the phrase "for receiving a flange". In Claim 1, a flange is not a part of the panel. Therefore, Claim 1 is now definite, and Claim 2 is canceled. Claim 3 is amended to introduce "a flange" which is inserted into the panel. Claims 4-6 are dependent on amended Claim 1, so Applicant believes that they are patentable.

Claim 11, which is dependent on amended Claim 9, introduces a "flange", so a "flange" is now defined as being a part of the panel. Applicant has amended Claim 11 to more clearly point out that "said panel comprises a flange, said flange being positioned in one of said first channel or said second channel...". Applicant believes that Claim 11 is now definite and patentable. Claim 10 is canceled. Claims 12-14 are dependent on Claim 11 which Applicant believes is now definite.

In addition, Applicant has further amended Claim 1 and 2 to be more clear and

definite. Claims 1 and 9 now call for “an end section of said panel having [a first] an inner end attached to said thermally nonconducting section and extending the length of said panel, and [a second] an opposite outer end of said end section having an elongated slot.”

Applicant has made these changes to provide a clearer description of the end section and its inner and outer ends. Therefore, Applicant believes that Claims 1, 3-6 and 9-14 as amended are now definite and patentable.

Claim Rejections – 35 U.S.C. § 102

The Examiner states that Claims 1, 2 and 9-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Kay (U.S. 4,704,839).

The Examiner further states that regarding Claim 1, Kay teaches a thermal barrier extrusion comprising at least one channel 154 positioned on a side of the panel, said channel extending the length of the panel 150, a thermally non-conducting section 184 of the panel located adjacent to the channel 154 and extending the length of the panel, an end section of the panel having a first end 152 attached to the thermally non-conducting section 184 and extending the length of the panel and a second opposite end 156 having an elongated slot (FIGS. 8 and 10).

Applicant has amended Claim 1 to call for “...at least one channel positioned on a side of said panel having retainer edges at the ends of the sides of said channel”. Kay does not teach such retainer edges 28, 30 of the present invention on the channels 154 as disclosed in FIG. 8. The channels 154 are only a fin structure with no retainer edges at the ends of the fins. Therefore, Applicant believes that Claim 1 is not anticipated by Kay and that Claim 1 as amended is patentable. Claim 2 has been canceled.

The Examiner then states that regarding Claim 9, Kay teaches a thermal barrier

extrusion comprising a first side of the panel 150 having a first channel, and a second channel 154, said second channel being adjacent to the first channel, and the first channel and the second channel extending the length of the panel, a thermally non-conducting section 184 of the panel located adjacent to the first channel and extending the length of the panel, an outer end section having a first end 152 attached to the thermally non-conducting section 184 and extending the length of the panel, and a second opposite end 156 of the end section have an elongated slot (FIGS. 8 and 10), and that regarding Claims 2 and 10, each of the channels 150 and 154 is inherently having retaining edges, one on each side.

Applicant has amended Claim 9 to include the limitation “each of said first channel and said second channel comprises retainer edges at the ends of the sides of said first channel and said second channel”. Kay does not disclose “retainer edges” on the ends of fin structures 154 and 156. Therefore, Applicant believes that Claim 9 is not anticipated by Kay and that Claim 9 is patentable. Claim 10 is canceled.

Claim Rejections – 35 U.S.C. § 103

The Examiner states that Claim 7 is rejected under 35 U.S.C. 103(e) as being unpatentable over Kay (U.S. 4,704,839) in view of Harbin (U.S. 4,428,171).

The Examiner further states that regarding Claim 7, Kay teaches a thermal barrier extrusion as discussed above. However, Kay does not teach expressly an end of the panel comprises predetermined spaced apart openings for receiving screws for interconnecting the panels. Harbin teaches thermal storefront system comprising included a plurality predetermined spaced apart openings for receiving screws 55 (FIG. 3), and that at the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine Kay and Harbin for the predetermined apart openings for receiving screws for interconnecting the panels. The motivation for doing so would have been to provide more

securement for the thermal barrier system.

Applicant has amended Claim 1 by adding the limitation of the channel having retainer edges 28, 30 which is not disclosed or suggested by Kay. Therefore, because Claim 7 is dependent on patentable Claim 1, Claim 7 is likewise patentable.

In view of the above, it is submitted that Claims 1, 3-7, 9 and 11-14 as amended are now in condition for allowance. Reconsideration of the rejections is respectfully requested. Accordingly, it is requested that Claims 1, 3-7, 9 and 11-14 be allowed and the case be sent to issue.

If there are any questions, we urge the Examiner to call us. Please charge any costs in connection with this document to our Deposit Account No. 16-0875.

Respectfully submitted,
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